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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,001	10/17/2001	John D. Doyle	EMPIR-030AUS	5503

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DALY, CROWLEY & MOFFORD, LLP
SUITE 101
275 TURNPIKE STREET
CANTON, MA 02021-2310

EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,001

Applicant(s)

DOYLE ET AL.

Examiner

TUAN A PHAM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3, and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madonna et al. (U.S. Patent No. 5,596,569, hereinafter, "Madonna") in view of Hulen et al. (U.S. Patent No. 5,497,373, hereinafter, "Hulen").

Regarding claim 1, Madonna teaches a method of providing a multiple interface system (see figure 1) comprising the steps of:

providing a first module having a first physical interface (see figure 1, T1 line cards 34, col.5, ln.18-31);

providing a second module having a second physical interface, the second physical interface being different from the first physical interface (see figure 1, E1 line cards 36, col.5, ln.18-31); and

sharing a resource from the second module with the first module (see figure 1, CPU card 12, col.4, ln.1-25).

It should be noticed that Madonna fails to clearly teach the first and second modules are running on the same protocol. However, Hulen teaches such features (see col.5, ln.25-44) for a purpose of converting the same formats or same information among other subscriber lines.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of first and second modules are running on the same protocol, as taught by Hulen, into view of Madonna in order to improve the flexibility, adaptability in telecommunication systems.

Regarding claim 2, Madonna further teaches the first physical interface and the second physical interface are selected from the group consisting of T1, E1, T3 and E3 (see col.1, ln.30-36).

Regarding claim 3, Madonna further teaches the resource comprises a digital signal processor (DSP) (see col.6, ln.5-10).

Regarding claim 5, Madonna further teaches the step of providing a communications path between the first module and second module (see figure 1, communication path lines 20-24).

Regarding claim 6, Madonna further teaches the step of changing a configuration of the system from one associated with the first physical interface to one associated with the second physical interface (see 5, ln.18-52).

Regarding claim 7, Madonna further teaches the step of making the interface channels appear contiguous across the first physical interface and the second physical interface (see figure 1, T1 line card 34 near E1 line cards 36).

Regarding claim 8, Hulen further teaches the first module and the second module comprise an audio enabled module (see col.1, ln.30-37, col.2, ln.20-35).

Regarding claim 9, Hulen further teaches the first module and the second module utilize Pulse Code Modulated (PCM) audio streams (see col.1, ln.30-37).

Regarding claim 10, Hulen further teaches the PCM audio stream comprises an audio stream selected from the group comprising Mu-law encoded audio and A-law encoded audio (see col.4, ln.55-60).

Response to Arguments

3. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Watson et

al. (U.S. Patent No. 5,946,303), Matthews et al. (U.S. Patent No. 6,584,122), Proctor (U.S. Patent No. 6,222,832), and Locascio (U.S. Patent No. 6,603,757) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for long subscriber loops and analog receiver for digital subscriber line communication system and automatic configuration of a remote communication interface via the alarm indication signal.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

Any response to this final action should be mailed to:

Box AF

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

**(703) 872-9314 (for formal communications; please mark
"EXPEDITED PROCEDURE")**

Or:

**If it is an informal or draft communication, please label
"PROPOSED" or "DRAFT")**

Customer Service (703) 306-0377

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is

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(703) 305-4987. The examiner can normally be reached on Monday through Friday,
8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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Business Center (EBC) at 866-217-9197 (toll-free).

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May 25, 2004

Examiner

Tuan Pham


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600